

(3) indicated that claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to Item 1 above, Applicants have now submitted a terminal disclaimer of U.S. Patent No. 6,520,965, issued February 18, 2003 to Chervitz et al. (Chervitz et al. '935) so as to overcome the rejection of claims 1-44 under the judicially created doctrine of obvious-type double patenting over claims 1-36 of Chervitz et al. '965 in view of Schlapfer et al. Accordingly, claims 1-44 are believed to be in condition for allowance, and allowance thereof is respectfully requested.

In response to Item 2 above, Applicants have now amended independent claims 1, 2, 38 and 39 so as to more clearly define the present invention with respect to the prior art of record.

Amended claim 1 of the present invention comprises a filament retaining washer for mounting about the shank of a bone screw deployed in a bone whereby to retain the filament to the bone, the filament retaining

washer comprising a structure having a screw hole extending therethrough for receiving therein the shank of the bone screw deployed in the bone, and the structure having a filament hole extending therethrough for receiving a filament therein so as to retain the filament to the structure, and the bottom surface of the structure being adapted to engage a top surface of a bone plate.

Applicants believe that Schlapfer et al. disclose a bone-fixing device including a block for accommodating a pair of rigid, cylindrically shaped longitudinal carriers, and a bone plate formed integral to the block, with the bone plate having at least one plate hole for accommodating a fastener. Applicants believe that Schlapfer et al. does not disclose or suggest a filament retaining washer comprising a structure having a screw hole extending therethrough for receiving therein the shank of a bone screw deployed in a bone, and the bottom surface of the structure being adapted to engage a top surface of a bone plate. Applicants further believe that Schlapfer et al. teach away from the filament retaining washer of claim 1 of the present invention in that the bone plate

is formed integral to the block rather than being adapted to engage a top surface of a bone plate. Accordingly, independent claim 1 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Amended claim 2 of the present invention comprises a filament retaining washer for mounting about the shank of a bone screw deployed in a bone whereby to retain the filament to the bone, the filament retaining washer comprising a body, a downwardly projecting extension connected to the body and having a screw hole extending therethrough for receiving therein the shank of the bone screw deployed in the bone, the downwardly projecting extension having a top surface and a bottom surface, and the bottom surface of the downwardly projecting extension being adapted to engage a top surface of a bone plate, and an upwardly projecting extension connected to the body and having a filament hole extending therethrough for receiving a filament therein so as to retain the filament to the upwardly projecting extension, the filament hole defining a second axis extending substantially perpendicular to

the first axis, with the second axis being aligned with a bone screw extending through the screw hole.

Applicants believe that Schlapfer et al. disclose a bone-fixing device including a block for accommodating a pair of rigid, cylindrically-shaped longitudinal carriers, and a bone plate formed integral to the block, with the bone plate having at least one plate hole for accommodating a fastener. Applicants believe that Schlapfer et al. does not disclose or suggest a filament retaining washer comprising a body having a downwardly projecting extension having a screw hole extending therethrough for receiving therein the shank of a bone screw deployed in a bone, and the bottom surface of the downwardly projecting extension being adapted to engage a top surface of a bone plate. Applicants further believe that Schlapfer et al. teach away from the filament retaining washer of claim 2 of the present invention in that the bone plate is formed integral to the block rather than being adapted to engage a top surface of a bone plate. Accordingly, independent claim 2 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Amended claim 38 of the present invention comprises a filament retaining washer for mounting about the shank of a bone screw deployed in a bone whereby to retain the filament to the bone, the filament retaining washer comprising a body, a downwardly projecting extension connected to the body and having a screw hole extending therethrough for receiving therein the shank of the bone screw deployed in the bone, the downwardly projecting extension having a top surface and a bottom surface, and the bottom surface of the downwardly projecting extension being adapted to engage a top surface of a bone plate, and an upwardly projecting extension connected to the body and having a filament hole extending therethrough for receiving a filament therein so as to retain the filament to the upwardly projecting extension.

Applicants believe that Schlapfer et al. disclose a bone-fixing device including a block for accommodating a pair of rigid, cylindrically-shaped longitudinal carriers, and a bone plate formed integral to the block, with the bone plate having at least one plate hole for accommodating a fastener. Applicants believe that Schlapfer et al. does not disclose or

suggest a filament retaining washer comprising a body having a downwardly projecting extension having a screw hole extending therethrough for receiving therein the shank of a bone screw deployed in a bone, and the bottom surface of the downwardly projecting extension being adapted to engage a top surface of a bone plate. Applicants further believe that Schlapfer et al. teach away from the filament retaining washer of claim 38 of the present invention in that the bone plate is formed integral to the block rather than being adapted to engage a top surface of a bone plate. Accordingly, independent claim 38 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Amended claim 39 of the present invention comprises a filament retaining washer for mounting about the shank of a bone screw deployed in a bone whereby to retain the filament to the bone, the filament retaining washer comprising a structure having a screw hole extending therethrough for receiving therein the shank of the bone screw deployed in the bone, and the structure having a filament hole so as to retain the filament to the structure, the structure

having a top surface and a bottom surface, and the bottom surface of the structure being adapted to engage a top surface of a bone plate.

Applicants believe that Schlapfer et al. disclose a bone-fixing device including a block for accommodating a pair of rigid, cylindrically-shaped longitudinal carriers, and a bone plate formed integral to the block, with the bone plate having at least one plate hole for accommodating a fastener. Applicants believe that Schlapfer et al. does not disclose or suggest a filament retaining washer comprising a body having a downwardly projecting extension having a screw hole extending therethrough for receiving therein the shank of a bone screw deployed in a bone, and the bottom surface of the downwardly projecting extension being adapted to engage a top surface of a bone plate. Applicants further believe that Schlapfer et al. teach away from the filament retaining washer of claim 39 of the present invention in that the bone plate is formed integral to the block rather than being adapted to engage a top surface of a bone plate. Accordingly, independent claim 39 is believed to be in condition for

allowance, and allowance thereof is respectfully requested.

Claims 3-11, 31, 32, 40-44, which depend either directly or ultimately from one of independent claim 2 or independent claim 39, are believed to be in condition for allowance at least for the above-identified reasons. Accordingly, allowance of claims 3-11, 31, 32, and 40-44 is respectfully requested.

In response to Item 3 above, Applicants thank the Examiner for his indication that claim 29 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have now rewritten claim 29 in independent form as new claim 45. Accordingly, new claim 45 is believed to be in condition for allowance, and allowance of new claim 45 is respectfully requested.

Applicant believes that claims 12-28, 30, and 33-37 are in condition for allowance as each one of these claims meet the limitations as set forth in the statement of reasons for the indication of allowable subject matter. Accordingly, allowance of claims 12-28, 30, and 33-37 is respectfully requested.



Please charge any additional fees due in connection with this submission, or credit any overpayment, to Deposit Account No. 16-0221.

Respectfully submitted,

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